

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1259 of 1994

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

HEIR OF CHHOTALAL @ HIRALAL CHHAGANLAL VAIDYA

Versus

STATE OF GUJARAT

Appearance:

MR PB MAJMUDAR for Petitioners

MR VM PANCHOLI, AGP for Respondents

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 30/06/1999

ORAL JUDGEMENT

Heard Mr Majmudar, learned counsel for the
petitioners and Mr VM Pancholi, learned AGP for the
respondents.

2. The petitioners have challenged the order passed
by the State Government under Section 34 of the Urban
Land (Ceiling & Regulation) Act, 1976 and the
consequential orders passed by the Competent Authority
under the Act. The authorities have not issued

notification under Section 10(3) of the Act in view of the interim order of maintenance of status quo passed by this Court. Hence, the question of taking over possession of the land in question does not arise. Mr Pancholi, learned AGP also confirms the said fact in view of the instructions received by him from Mr. Naik, Deputy Mamlatdar in the office of resp. No. 2.

3. The Urban Land (Ceiling & Regulation) Act, 1976 has been repealed by the Urban Land (Ceiling & Regulation) Repeal Act, 1999, as adopted by the Gujarat State Legislative Assembly as per the resolution dated 30th March, 1999, passed under Article 252 (2) of the Constitution. In view of the provisions of the aforesaid Repeal Act, 1999, the orders impugned in the present petition do not survive and all the proceedings under the Urban Land (Ceiling & Regulation) Act, 1976 in respect of the land in question as well as the present petition have abated.

4. The petition is accordingly disposed of as having abated. There shall be no order as to costs.

June 30, 1999 (M.S. Shah, J.)

sundar/-